
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5973) MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5972) MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, AND FOR OTHER PURPOSES

June 21, 2012.—Referred to the House Calendar and ordered to be printed.

Ms. FOXX, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5973, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2013, under an open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. Under the Rules of the House the bill shall be read for amendment by paragraph. The resolution provides that the bill shall be considered for amendment under the five-minute rule. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to

recommit with or without instructions.

The resolution further provides for consideration of H.R. 5972, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013, under an open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI except for section 169C (regarding fuel for vehicle operations). The resolution provides that the amendment specified in section 3 of the resolution inserting the caption for the Spending Reduction Account shall be considered as adopted. Under the Rules of the House the bill shall be read for amendment by paragraph. The resolution provides that the bill shall be considered for amendment under the five-minute rule. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

Finally, section 4 of the resolution provides for consideration of concurrent resolutions providing for adjournment during the month of July.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 5973 includes a waiver of the following:

- Clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations from being considered in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members; and
- Section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee.

The waiver of clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, is necessary because the bill contains unauthorized appropriations and legislative provisions included in the bill.

The waiver of all points of order against consideration of H.R. 5972 includes a waiver of clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations from being considered in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members.

The waiver of clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, is necessary because the bill contains unauthorized appropriations and legislative provisions included in the bill. The waiver applies to all provisions in the bill except for section 169C (regarding fuel for vehicle operations).

It is important to note that H.R. 5972, as reported by the Committee on Appropriations, does not technically comply with section 3(j)(5) of H. Res.

5, which prohibits the consideration of a general appropriation bill unless it includes a spending reduction account as the last section of the bill. While the bill does include a spending reduction account as the last section of the bill, section 3(j)(6) of H. Res. 5 specifically requires the account to bear the caption of “spending reduction account”. The amendment contained in section 3 of the resolution to be considered as adopted brings the bill into compliance, therefore a waiver of section 3(j)(5) is not necessary.

Section 4 of the resolution includes a waiver of all points of order against consideration of a July 4th adjournment resolution. While adjournment resolutions are ordinarily privileged, a point of order could be raised against the July 4th district work period adjournment resolution on grounds that it violates section 309 of the Budget Act which prohibits the House of Representatives from adjourning for more than three days in July unless the House has completed action on all appropriations bills. Since the House has not yet completed all action on appropriations bills, this provision is necessary to consider the July 4th adjournment resolution, absent a unanimous consent agreement.